

Town Board Minutes

**Meeting
No. 8**

Regular Meeting

April 3, 1995

MEETINGS TO DATE 8
NO. OF REGULARS 7
NO. OF SPECIALS 1

LANCASTER, NEW YORK
APRIL 3, 1995

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 3rd day of April 1995 at 8:00 P.M. and there were

PRESENT: ROBERT H. GIZA, COUNCIL MEMBER
DONALD E. KWAK, COUNCIL MEMBER
PATRICK C. POKORSKI, COUNCIL MEMBER
THOMAS H. VAN NORTWICK, COUNCIL MEMBER
LUCIAN J. GRECO, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK
ROBERT H. LABENSKI, TOWN ENGINEER
JOSEPH F. REINA, TOWN ATTORNEY
ROBERT L. LANEY, BUILDING INSPECTOR
THOMAS E. FOWLER, CHIEF OF POLICE
JOHANNA M. COLEMAN, RECEIVER OF TAXES

PUBLIC HEARING SCHEDULED FOR 8:10 P.M.:

At 8:10 P.M., the Town Board held a Public Hearing to hear all interested persons upon the resolution authorizing a partial exemption from real property taxation for persons sixty-five (65) years of age or over, on a graduated scale based upon income.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROFONENTS	ADDRESS
None	
OPPONENTS	ADDRESS
None	
COMMENTS & QUESTIONS	ADDRESS
None	

ON MOTION BY COUNCIL MEMBER KWAK, AND SECONDED BY COUNCIL MEMBER VAN NORTWICK AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:12 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

PUBLIC HEARING SCHEDULED FOR 8:20 P.M.:

At 8:20 P.M., the Town Board was scheduled to hold a Public Hearing to hear all interested persons upon the proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster rezoning property situate at 18 Steinfeldt Road from a R1-Residential District to a R-2 Residential District.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

The Town Clerk presented a copy of a letter from the petitioner, Theodore Kulbacki, dated March 29, 1995, withdrawing his petition.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER GIZA, TO WIT:

RESOLVED, that the minutes from the Regular Meeting of the Town
Board held on March 20, 1995 be and hereby are approved.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

April 3, 1995

File: R.MIN (Pl)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER VAN NORTWICK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER POKORSKI, TO WIT:

WHEREAS, the Chief of Police of the Town of Lancaster by memorandum dated March 20, 1995, has informed the Town Board that beginning April 10, 1995, Detective Riccardo Zuppelli will be on sick leave for approximately 6 months and it will be necessary during this period of absence of Detective Zuppelli to assign a police officer or officers to the Detective Bureau for specific assignments, and

WHEREAS, the Chief of Police has requested the authorization to pay the officer or officers assigned to temporary detective duty the same pay scale as that set forth in the PBA Contract for detectives namely, that pay set forth in Section 6.01 and 6.08 of the PBA Contract

NOW THEREFORE, BE IT
RESOLVED,

That the Chief of Police of the Town of Lancaster, during the sick leave absence of Detective Riccardo Zuppelli, be and is hereby authorized to pay to any Police Officer temporarily assigned to the Detective Bureau the wage set forth in the PBA Contract for a detective in accordance with the provisions of Section 6.01 and 6.08 of the PBA Contract.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

April 3, 1995

File: R.Temp.Det

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER VAN NORTWICK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
POKORSKI , TO WIT:

WHEREAS, the previous Agreement between the Lancaster School District and the Town of Lancaster, covering the joint sharing of use, costs and expenses for the fuel storage and distribution system located at the District's Transportation Department, Pleasant View Drive in the Town of Lancaster, expired on March 4, 1995, and

WHEREAS, the Town wishes to enter into a new contract for an additional five-year term, upon essentially the same term and conditions as the previous contract, with the exception that the Town no longer is required to make an annual payment of \$10,000.00 to the School District as its contribution to the construction of the fuel storage and distribution system, and

WHEREAS, both the Town Attorney and the attorney for the School District have reviewed said contract;

NOW, THEREFORE, BE IT
RESOLVED, as follows:

1. The Supervisor is hereby authorized to execute, on behalf of the Town of Lancaster, a new contract with the Lancaster Central School District covering the joint sharing of use and costs and expenses for the fuel storage and distribution system located at the District's Transportation Department, on Pleasant View Drive, in the Town of Lancaster, for the period March 5, 1995 through March 4, 2000.

2. Upon execution, an original of the contract shall be filed in the Town Clerk's Office.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

April 3, 1995

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER VAN NORTWICK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK , TO WIT:

WHEREAS, Twin District Volunteer Fire Company, Inc., has advised the Town Board that the Internal Revenue Service is requiring the fire company corporation to amend its Certificate of Incorporation to comply with the Internal Revenue Code, Section 501 relating to Dissolution Provision, Non-Inurement Provision and Restrictive Legislation Provision, and

WHEREAS, the Attorney for the fire company corporation has advised the Supervisor that Town Board approval of the amendment is required before it could be filed with the New York State Department of State, and

WHEREAS, the Attorney for the fire company corporation has forwarded a copy of the Amended Certificate of Incorporation, which has been reviewed by the Town Attorney's Office, without further comment;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Amendment to the Certificate of Incorporation of Twin District Volunteer Fire Company, Inc., in order to comply with the Internal Revenue Code, Section 501 relating to Dissolution Provision; Non-Inurement Provision; and Restrictive Legislation Provision.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

April 3, 1995

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GRECO, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
VAN NORTWICK, TO WIT:

WHEREAS, the Executive Director of the Parks and Recreation Department of the Town of Lancaster, by memorandum dated March 22, 1995, has recommended the appointments of EILEEN VALOIS and KATHY SKUBIS to the position of Recreation Attendant, part-time, at the Senior Citizen Center of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that EILEEN VALOIS, 30 Parkside Drive, Lancaster, New York 14086, be and is hereby appointed to the position of Recreation Attendant, part-time, at the Senior Citizen Center of the Town of Lancaster, retroactive to October 11, 1994, at an hourly rate of \$5.00 per hour, with no Town benefits, and

BE IT FURTHER

RESOLVED, that KATHY SKUBIS, 25 Mona Court, Depew, New York 14043, be and is hereby appointed to the position of Recreation Attendant, part-time, at the Senior Citizen Center of the Town of Lancaster, retroactive to March 13, 1995, at an hourly rate of \$5.00 per hour, with no Town benefits, and

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

April 3, 1995

File: R.PERS.TEMP (P3)

THE FOLLOWING RESOLUTION WAS OFFERED BY
SUPERVISOR GRECO, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCIL MEMBER POKORSKI ,
TO WIT:

WHEREAS, Richard J. Kegler, Mayor of the Village of Alden, on behalf of the Village Board of Trustees and the Alden Hook and Ladder Fire Company, Inc., has requested that the Town of Lancaster's operational trailer command post be made available to the Village of Alden should an emergency arise in the Village of Alden or within the Village's municipal boundaries, and

WHEREAS, George MacPeck, the Town of Lancaster's Disaster Response Coordinator, has recommended that the Town's operational trailer command post be made available to the Village as the need arises, conditioned upon the Town of Lancaster and the Village of Alden entering into an agreement for inter-municipal disaster preparedness similar to that proposed between the Town and the Villages of Lancaster and Depew, and

WHEREAS, the Town Board feels it is in the public interest to have the Town's operational trailer command post available to the Village of Alden, as the need arises;

NOW, THEREFORE, BE IT
RESOLVED, as follows:

1. The Supervisor of the Town of Lancaster, or his designee, is hereby authorized to make available to the Village of Alden and/or the Alden Hook and Ladder Fire Company, Inc., the Town's operational trailer command post should an emergency arise in the Village of Alden or within the Village of Alden's municipal boundaries, and a request is made therefo.

2. This authorization is conditioned upon the Town of Lancaster and the Village of Alden entering into an agreement for inter-municipal disaster preparedness similar to that proposed between the Town and the Villages of Lancaster and Depew.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

April 3, 1995

File: R.Dis.Prep.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GRECO, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK, TO WIT:

WHEREAS, the Supervisor of the Town of Lancaster has previously filed with the Erie County Department of Personnel Form PO-17 "New Positions Duties Statement" for the purpose of obtaining the appropriate service title for the anticipated position of Recreation Attendant, part time, in the Parks and Recreation Department of the Town of Lancaster, and

WHEREAS, the Erie County Department of Personnel has indicated that the appropriate title for this position is Recreation Attendant, part time,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby creates twenty-five (25) positions of Recreation Attendant, part time, in the Parks and Recreation Department of the Town of Lancaster, and

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to complete and execute Section 8 of Form PO-17 (New Position Duties Statement) indicating that twenty-five (25) positions of Recreation Attendant, part time, in the Parks and Recreation Department of the Town of Lancaster have been created.

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

April 3, 1995

File: R.PERS.CREATE.ABOLISH (P8)

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER VAN NORTWICK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK , TO WIT:

WHEREAS, in 1994, the Town incurred an expense to install additional
blacktop on the tennis and basketball courts at Keysa Park, and

WHEREAS, payment of said expense exceeded the balance due in the
Keysa Park Capital Projects Fund by \$1,046.38, and

WHEREAS, the Keysa Park project is now complete, and

WHEREAS, as a bookkeeping matter, the Town must balance out the
Keysa Park Capital Projects Fund;

NOW, THEREFORE, BE IT

RESOLVED, that the sum of \$1,046.38 is hereby authorized to be
transferred from the Trust and Agency Recreation Filing Fees Account,
#07.0007.0237 to Capital Projects Keysa Park Basketball and Tennis Courts
Account, #110.110.522.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

April 3, 1995

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER VAN NORTWICK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK , TO WIT:

WHEREAS, the Town Board deems it in the public interest to conduct a study to determine if a traffic signal is warranted on Central Avenue, at its intersection with Impala Parkway and Countryview Way, Town of Lancaster;

NOW, THEREFORE, BE IT

RESOLVED, that the Police Chief is hereby authorized to commence an appropriate preliminary traffic study along Central Avenue at and near its intersection with Impala Parkway and Countryview Way, and to retain the services of a design engineer, and then to report his findings to the Town Board, as well as any other considerations he deems relevant for its review.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

April 3, 1995

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GRECO, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
VAN NORTWICK, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby
ordered paid from their respective accounts:

Claim No. 1458 to Claim No. 1670 Inclusive

Total amount hereby authorized to be paid: \$711,183.62

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

April 3, 1995

File: R.CLAIMS

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER GIZA , WHO
MOVED ITS ADOPTION, SECONDED BY
POKORSKI , TO WIT:

WHEREAS, Marrano/Marc Equity Corporation, 2730 Transit Road, West Seneca , New York 14224 has requested the Town Board of the Town of Lancaster to accept work completed under a Street Lighting Public Improvement Permit within Belmont Creek Subdivision, within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvement and has recommended the approval thereof,

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Street Lighting Public Improvement within Belmont Creek Subdivision, be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 366 - Street Lights - Belmont Creek Subdivision

conditioned, however, upon the following:

1. Receipt by the Town Clerk, within 45 days, of a bill of sale to improvements for the property conveyed to the Town of Lancaster.
2. Receipt by the Town Clerk, within 45 days, of a maintenance bond for the improvement accepted herein in the principal amount of 25% of the value of the improvements accepted. The bond shall run for a term of two years commencing with the date of adoption of this resolution,

and

BE IT FURTHER

RESOLVED, that a copy of this resolution be directed by the Town Clerk to the New York State Electric & Gas Corporation with a request to energize the street lights herein, and

BE IT FURTHER

RESOLVED, that should the conditions enumerated herein not be met within the stated 45 day period, the Building Inspector and the Town Clerk are directed to suspend the acceptance of any building permit applications for construction for construction within this subdivision, or subdivision phase, as the case may be.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

April 3, 1995

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER GIZA , WHO
MOVED ITS ADOPTION, SECONDED BY
KWAK , TO WIT:

WHEREAS, M.J. Peterson Construction Corp., 501 John James Audubon Parkway, Amherst, New York 14228 has requested the Town Board of the Town of Lancaster to accept work completed under a Street Lighting Public Improvement Permit within Windsor Ridge Subdivision, Phase I, within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvement and has recommended the approval thereof,

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Street Lighting Public Improvement within Windsor Ridge Subdivision, Phase I, be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 387 - Street Lights - Windsor Ridge Subdivision, Phase I

conditioned, however, upon the following:

1. Receipt by the Town Clerk, within 45 days, of a bill of sale to improvements for the property conveyed to the Town of Lancaster.
2. Receipt by the Town Clerk, within 45 days, of a maintenance bond for the improvement accepted herein in the principal amount of 25% of the value of the improvements accepted. The bond shall run for a term of two years commencing with the date of adoption of this resolution,

and

BE IT FURTHER

RESOLVED, that a copy of this resolution be directed by the Town Clerk to the New York State Electric & Gas Corporation with a request to energize the street lights herein, and

BE IT FURTHER

RESOLVED, that should the conditions enumerated herein not be met within the stated 45 day period, the Building Inspector and the Town Clerk are directed to suspend the acceptance of any building permit applications for construction for construction within this subdivision, or subdivision phase, as the case may be.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

April 3, 1995

THE FOLLOWING RESOLUTION WAS OFFERED
 BY COUNCIL MEMBER KWAK, WHO MOVED
 ITS ADOPTION, SECONDED BY COUNCIL
 MEMBER GIZA TO WIT:

RESOLVED, that the following Building Permit Applications be
 and are hereby approved and the issuance of these Building Permits be and are
 hereby authorized:

CODE:

(SW) = Sidewalks as required by Chapter 12-1B of the Code of the
 Town of Lancaster are waived for this permit.

No	Code	Applicant	Street Address	Structure
2393		David Massino	170 Pavement Rd	Dem.Pole Barn
2394	SW	Tiffany Const	2747 Wehrle Dr	ER. Dbl. Dwlg
2395		Kenneth Ferrie	5 Old Orchard Com	Er. Fence
2396		M/M Thomas Owczarczak	849 Erie St	Er. Fence
2397		Transit French Associates	4779 Transit Rd	Rem. Plaza Storefront
2398		Janet Tronconi	8 Plumb Creek Tr	Er. Shed
2399	SW	Jos. Richel General Contractor	271 Ransom Rd	Er. Sin. Dwlg
2400		Bellus General Construction	50 Maple Dr	Ex. Sin. Dwlg
2401		Gene Pomietlarz	761 Schwartz Rd	Ex. Sin. Dwlg
2402		Kidd-Kott Const Co Inc	123 Michael's Wlk	Er. Sin. Dwlg
2403		Woodbridge Const Group	16 Hunters Dr	Er. Sin. Dwlg
2404		Iona Associates Inc	31 Chestnut Corner	Er. Sin. Dwlg
2405		Centennial Homes	12 Sagebrush Ln	Er. Sin. Dwlg
2406		Ryan Homes	55 Southpoint Dr	Er. Sin. Dwlg
2407		Lancaster Home Improvement	75 Stutzman Rd	Ex. Garage
2408		Kathleen Zima-Snow	81 Pheasant Run Ln	Er. Deck
2409		Riccardo Zuppelli	11 Old Post Rd	Er. Shed
2410		William Delano	25 Southpoint Dr	Ex. Sin. Dwlg
2411		Amy Costanzo	33 Greenbriar Dr	Er. Fence
2412		Alan DiGrace	24 Fieldstone Ln	Er. Shed
2413		Pat Shanahan Flanders	71 Southpoint Dr	Er. Fence
2414		Capretto Homes	49 Bentley Cir	Er. Sin. Dwlg
2415		Randaccio Bldrs	9 Windsor Ridge	ER. Sin. Dwlg
2416		Daria Lujek	1129 Penora St	Er. Deck
2417		Angela Drezewiecki	36 Rue Madeleine Wa	Er. Shed
2418		S & S Construction	394 Schwartz Rd	Ex. Sin. Dwlg
2419		Gary Shoe Repair	4779 Transit Rd	Er. Temp Sign

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2420	Franklin Heigl	21 Pinetree Dr	Er. Fence
2421	Robert Rohauer	1125 Penora St	Er. Shed
2422	M J Ogiony Bldrs	5100 William St	Er. Sin. Dwlg

and,

BE IT FURTHER

RESOLVED, that the Building Permit applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the provisions of Chapter 12-1B of the Code of the Town of Lancaster which requires sidewalks in front of every new home.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

April 3, 1995

THE FOLLOWING RESOLUTION WAS OFFERED BY
SUPERVISOR GRECO, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCIL MEMBER POKORSKI ,
TO WIT:

WHEREAS, EAGLE ASSOCIATES OF NIAGARA FRONTIER, INC., ("EAGLE"), 210 Industrial Parkway, Buffalo, New York, is intending to develop a parcel of land located in the south side of Walden Avenue, next westerly from the American Sales Warehouse located at the southwest corner of Walden Avenue and Pavement Road, and

WHEREAS, EAGLE wishes to apply for a state grant (REDPP) in the amount of \$400,000.00 to aid in constructing infrastructure on the site, and

WHEREAS, the state grant requires that the Town of Lancaster sign the application, as sponsor, on behalf of EAGLE, and

WHEREAS, the Town Board feels that said grant, if approved, would aid in the construction of a commercial business which will benefit the Town;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized to sign, a State Grant Application, seeking a grant in the amount of \$400,000.00 on behalf of Eagle Associates of Niagara Frontier, Inc.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

April 3, 1995

Council Member Kwak requested a suspension of the necessary rule for immediate consideration of the following resolution -

SUSPENSION GRANTED:

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
GIZA , TO WIT:

WHEREAS, a public hearing was held on the 20th day of March, 1995, on the Petition of KULBACK'S CONSTRUCTION, INC., the owner of a parcel of land located on the south side of Como Park Boulevard west of Penora Street, in the Town of Lancaster, New York, Lancaster for the purpose of rezoning the property from an R-2 Residential District Two, to an NB-Neighborhood Business District, and

WHEREAS, a Notice of said Public Hearing has been duly published and posted, and

WHEREAS, in accordance with Section 239 (m) of the General Municipal Law of the State of New York, the Erie County Department of Planning has reviewed such application for rezone and has no objection with respect thereto;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed so that the real property hereinafter described is changed from an R2-Residential District Two to an NB-Neighborhood Business District:

ALL THAT TRACT OR PARCEL OF LAND situate, lying and being in the Town of Lancaster, County of Erie, and State of New York, being part of Lot 9, Section 10, Township 11, Range 6 of the Holland Purchase, (so called), bounded and described as follows:

BEGINNING at the intersection of the south line of the former Buffalo, Bellevue and Lancaster Electric Railroad (a 33 foot right of way) with the west line of Wendell Street (a 50 foot wide unimproved right of way), being 312.65 feet southwesterly of the center line of Penora Street, measured along the south line of said Railroad, the south line of said Railroad being 17 feet north of and parallel with the center line of Como Park Boulevard (a 100 foot wide right of way).

THENCE SOUTH, along the west line of said Wendell Street, 267.46 feet;

THENCE SOUTHWESTERLY, parallel with the south line of said Railroad and Como Park Boulevard, 230.0 feet;

THENCE north, parallel with the west line of said Wendell Street, 267.46 feet, to the south line of said Railroad.

THENCE NORTHEASTERLY, along the south line of said Railroad, 230.0 feet to the point of beginning, containing 1.05 acres more or less, excluding that portion within the bounds of Como Park Boulevard.

The above described parcel of land being part of subdivision lot "E" as shown on a map filed in Erie County Clerk's Office under Cover No. 1014.

Excepting and reserving for highway purposes the northerly 67 feet of the above described parcel.

2. In the future, if the use of the parcel being rezoned herein is sought to be changed, the Town Board reserves to itself, the right to review the change of use sought, and shall approve or disapprove the use sought to be changed in the same manner and using the same standards applicable to a petition for a rezone generally, as is provided in the Town Law or the Code of the Town of Lancaster, as the case may be.

3. That the said Ordinance Amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 3rd day of April, 1995;

4. That a certified copy thereof be published in the Lancaster Bee on or before the 6th day of April, 1995;

5. That Affidavits of Publication be filed with the Town Clerk,
and

6. That a certified copy of this resolution be furnished to the Erie County Department of Planning.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

April 3, 1995

LEGAL NOTICE
NOTICE OF ADOPTION OF AMENDMENT
ZONING ORDINANCE TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that the Zoning Ordinance of the Town of Lancaster is hereby amended and the Zoning Map of said Town is hereby changed so that the real property hereinafter described is changed from an R2-Residential District Two to an NB-Neighborhood Business District:

ALL THAT TRACT OR PARCEL OF LAND situate, lying and being in the Town of Lancaster, County of Erie, and State of New York, being part of Lot 9, Section 10, Township 11, Range 6 of the Holland Purchase, (so called), bounded and described as follows:

BEGINNING at the intersection of the south line of the former Buffalo, Bellevue and Lancaster Electric Railroad (a 33 foot right of way) with the west line of Wendell Street (a 50 foot wide unimproved right of way), being 312.65 feet southwesterly of the center line of Penora Street, measured along the south line of said Railroad, the south line of said Railroad being 17 feet north of and parallel with the center line of Como Park Boulevard (a 100 foot wide right of way).

THENCE SOUTH, along the west line of said Wendell Street, 267.46 feet;

THENCE SOUTHWESTERLY, parallel with the south line of said Railroad and Como Park Boulevard, 230.0 feet;

THENCE north, parallel with the west line of said Wendell Street, 267.46 feet, to the south line of said Railroad.

THENCE NORTHEASTERLY, along the south line of said Railroad, 230.0 feet to the point of beginning, containing 1.05 acres more or less, excluding that portion within the bounds of Como Park Boulevard.

The above described parcel of land being part of subdivision lot "E" as shown on a map filed in Erie County Clerk's Office under Cover No. 1014.

Excepting and reserving for highway purposes the northerly 67 feet of the above described parcel.

April 3, 1995

STATE OF NEW YORK:
COUNTY OF ERIE : ss:
TOWN OF LANCASTER:

THIS IS TO CERTIFY, that I, ROBERT P. THILL, Town Clerk of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of NOTICE OF AMENDMENT TO ZONING ORDINANCE AND MAP, with the original thereof filed in my office at Lancaster, New York, on the 3rd day of April, 1995, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town, this 3rd day of April, 1995.

Robert P. Thill
Town Clerk

COMMUNICATIONSPage 235
DISPOSITION

129. County Highway Dept. to Supervisor - Notice of closure of William St. from Borden to Schwartz, for three weeks effective 4/3/95.	PUBLIC SAFETY COMMITTEE
130. Police Chief to Planning Board Chair. - Request additional time to complete review of traffic impact study re: Tops Distribution Center.	PLANNING COMMITTEE
131. Deborah L. Moessinger to Town Clerk - Concerns and questions re: Tops Distribution Center.	R & F
132. Building/Zoning Inspector to Town Board - Reply to comments of Jacqueline Fatta, 5219 Genesee St.	R & F
133. Duplicate of 129.	
134. Congressman Jack Quinn to Supervisor - Update re: COPS MORE grant application.	PUBLIC SAFETY COMMITTEE
135. Town Engineer to Town Board - Request line item transfer to reimburse John Smith for telephone monthly service charge and itemized calls.	FINANCE DIRECTOR
136. Town Clerk to Zoning Board Members, Building Inspector and Town Attorney - Transmittal of variance petitions for meeting to be held 4/13/95.	R & F
137. Assessor to Town Board - List of points that need clarification re: IDA agreements.	RECEIVER OF TAXES
138. Town Clerk to Building Inspector - Notice of suspension of building permits for Stony Brook South Subdivision.	R & F
139. Eric/Mary Ellen Vogel to Town Board - Support of Tops Distribution Center.	PLANNING COMMITTEE
140. Town Clerk to Media - Notice of SEQR meeting to be held 4/5/95 re: Tops Distribution Center rezoning petition.	R & F
141. Town of Wales to State Officials - Transmittal of resolutions re: CHIPS Program and Revenue Sharing.	HIGHWAY COMMITTEE PUBLIC SAFETY COMMITTEE
142. Town Clerk to Building Inspector - Notice of suspension of building permits for Stream Field Subdivision.	R & F
143. Theodore Kulbacki to Town Clerk - Notification of withdrawal of rezoning petition for premises situate at 18 Steinfeldt Rd.	R & F
144. Town Engineer to Town Board - Recommends acceptance of P.I.P. No. 387 for street lighting in Windsor Ridge Phase I.	R & F
145. Town Engineer to Town Board - Recommends acceptance of P.I.P. No. 366 for street lighting in Belmont Creek Subdivision.	R & F
146. Town Justices to All Law Enforcement Agencies Notification of Court cancellations for April 11 and 18, 1995.	R & F
147. Erie County report on GENDER DISTRIBUTION ON ERIE COUNTY MUNICIPAL BOARDS.	R & F

COMMUNICATIONS

DISPOSITION

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| 148. Various Residents to Town Officials -
Advisement of historical find on property
proposed to be rezoned by Tops Distribution
Center. | <u>PLANNING COMMITTEE</u>

_____ |
| 149. Village Clerk of Lancaster to Supervisor -
Minutes from Board meeting of 2/27 and 3/13/95. | <u>R & F</u>
_____ |

PERSONS ADDRESSING TOWN BOARD:

Kubicki, Gloria, 15 Maple Drive, spoke to the Town Board on the following matters:

1. Wilkinson Rezone on Genesee Street.
2. Information on Eagle Associates grant application for highway access improvement.
3. Peppermint Road zoning determination on Hawk property.

Heck, Albert, 5351 Genesee Street, spoke to the Town Board on the following matter:

1. Complained of truck traffic and speeding on Genesee Street.

Huber, Catherine, 1302 Ransom Road, spoke to the Town Board on the following matter:

1. Read a prepared statement about migration of hazardous wastes from the former Lancaster Sanitary Landfill.

Benkeman, Marie, 681 Pleasant View Drive, spoke to the Town Board on the following matter:

1. Concerns about increased traffic from the Tops Rezone Project.

Faulhaber, Hazel, 642 Aurora Street, spoke to the Town Board on the following matter:

1. Favors Tops Market Rezone.

Gulla, Diane, 26 Reimers Avenue, spoke to the Town Board on the following matter:

1. Opposed to Tops Market Rezone.

Bielman, Jack, 19 Inwood Place, spoke to the Town Board on the following matter:

1. Opposed to Tops Market Rezone.

Farrell, Joyce, 467 Pleasant View Drive, spoke to the Town Board on the following matter:

1. Presented a report to the Town Board entitled "Concerned Residents of the Town of Lancaster Against Tops Distribution Facility".

Palmeri, Sam, 5815 Genesee Street, spoke to the Town Board on the following matter:

1. Requested an independent traffic study for the Tops Distribution Center.

Baehre, Diane, 5755 Genesee Street, spoke to the Town Board on the following matter:

1. Opposed to the Tops Rezone Project.

Miro, Mike, 5859 Genesee Street, spoke to the Town Board on the following matter:

1. Opposed to the Tops Rezone Project.

ADJOURNMENT:

ON MOTION OF SUPERVISOR GRECO, AND SECONDED BY THE ENTIRE TOWN BOARD
AND CARRIED, the meeting was adjourned at 9:05 P.M.

Signed Robert P. Thill

Robert P. Thill, Town Clerk